

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF LOWER
MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA
AMENDING ARTICLE XIV OF THE TOWNSHIP OF
LOWER MAKEFIELD ZONING ORDINANCE AND
AMENDING FURTHER SECTIONS OF THE CODE TO
REMOVE REGULATIONS PERTAINING TO
FLOODPLAINS FROM THE ZONING ORDINANCE AND
ADDRESS ALL CROSS REFERENCES THERETO**

WHEREAS, Section 66516 of the Second Class Township Code provides that the corporate powers of the Board of Supervisors of Lower Makefield Township include the ability to plan for the development of the Township through zoning, subdivision, and land development regulations under the Municipalities Planning Code (“MPC”); and

WHEREAS, Section 10601 of the MPC provides that the governing body of each municipality may enact, amend and repeal zoning ordinances to accomplish any of the purposes of the MPC; and

WHEREAS, the purposes enumerated in Section 10105 of the MPC include promoting safety, health and morals, accomplishing coordinated development, improving governmental processes and functions, guiding uses of land and structures and promoting the preservation of natural and historic resources and prime agricultural land, and the Board of Supervisors of Lower Makefield Township believes this ordinance will accomplish those goals; and

WHEREAS, the Second Class Township Code, at Section 66601, provides that the Board of Supervisors (“Board”) may adopt ordinances and, by the enactment of subsequent ordinances, the Board may amend, repeal, or revise existing ordinances; and

WHEREAS, the proposed amendments fulfill the Township’s obligation to protect the public health, safety, and welfare of Township citizens; and

WHEREAS, it is in the public interest of the residents of the Township for the Township to amend and update the Zoning Ordinance for clarity; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Section 10609 of the MPC and all other applicable law;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Lower Makefield Township, Bucks County, Pennsylvania, as follows:

- I. Chapter 178, Subdivision and Land Development, of the Code of the Township of Lower Makefield, Article X, Design Standards and Improvement Requirements, is hereby AMENDED by STRIKING Subsection 178-43(C) and REPLACING it with the following:**
- C.** Clear sight triangles shall conform to the regulations of the Township Zoning Ordinance, § 200-53, for clear sight triangles.
- II. Chapter 178, Subdivision and Land Development, of the Code of the Township of Lower Makefield, Article X, Design Standards and Improvement Requirements, is hereby AMENDED by STRIKING Subsection 178-44(E)(2) and REPLACING it with the following:**
- (2)** All lots requiring reverse frontage shall be subject to the special setback requirements of § 200-56, Special setbacks along arterial and collector streets, of the Township Zoning Ordinance. Within the special setback, the 25 feet of depth abutting the collector or arterial street shall be established as a buffer easement by the developer, except within the clear sight triangle.
- III. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article I, General Provisions, Section 200-7, Definitions, is hereby AMENDED by STRIKING the definition of Clear Sight Triangle and REPLACING it with the following:**

CLEAR SIGHT TRIANGLE

See § 200-53.

- IV. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article I, General Provisions, Section 200-7, Definitions, is hereby AMENDED by STRIKING the definition of Floodplain Soils.**
- V. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article III, Residential-Resource Protection (R-RP), Section 200-13, Lot area and yard requirements, is hereby AMENDED by STRIKING Note 1 and REPLACING it with the following:**
- ¹ Where a yard abuts a collector or arterial road listed in § 200-56 of this chapter, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads.
- VI. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article IV, Residential Low-Density (R-1), Section 200-18, Lot area and yard requirements for dwellings, is hereby AMENDED by STRIKING Note 1 and REPLACING it with the following:**

¹ Where a yard abuts a major collector or arterial road listed in § 200-56 of this chapter, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads.

VII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article V, Residential Medium-Density (R-2), Section 200-22, Lot area and yard requirements for dwellings, is hereby AMENDED by STRIKING Note 1 and REPLACING it with the following:

¹ Where a yard abuts a major collector or arterial road listed in § 200-56 of this chapter, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads.

VIII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article VI, Residential Single-Family High Density (R-3), Subsection 200-25(C) is hereby AMENDED by STRIKING Note 1 and REPLACING it with the following:

¹ Where a yard abuts a major collector or arterial road listed in § 200-56 of this chapter, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads.

IX. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article VI, Residential Single-Family High Density (R-3), Subsection 200-26(B) is hereby AMENDED by STRIKING Note 2 and REPLACING it with the following:

² Where a yard abuts a major collector or arterial road listed in § 200-56 of this chapter, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads. For any building fronting onto any other public right-of-way the minimum setbacks shall be 30 feet, whereas for any building fronting onto a public area or private right-of-way the minimum yard shall be 15 feet.

X. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article VI, Residential Single-Family High Density (R-3), Section 200-26, Table of performance standards for single-family attached and two-family dwellings, is hereby AMENDED by STRIKING Subsection 200-26(C)(5) and REPLACING it with the following:

- (5)** Access to roads. The provisions of § 200-57 of this chapter shall not be applicable to single-family attached subdivisions and the Board of Supervisors may approve access to roads in a single-family attached development from a private street, road or right-of-way.

XI. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article VII, Residential Single-Family High-Density Modified (R-3M), Section 200-30, Lot area and yard requirements for dwellings, is hereby AMENDED by STRIKING Note 1 and REPLACING it with the following:

¹ Where a yard abuts a major collector or arterial road listed in § 200-56, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads.

XII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article VIII, Residential Multiple-Family High-Density (R-4), Subsection 200-33(C) is hereby AMENDED by STRIKING Note 1 and REPLACING it with the following:

¹ Where a yard abuts a major collector or arterial road listed in § 200-56 of this chapter, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads.

XIII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article VIII, Residential Multiple-Family High-Density (R-4), Subsection 200-34(B) is hereby AMENDED by STRIKING Note 2 and REPLACING it with the following:

² Where a yard abuts a major collector or arterial road listed in § 200-56 of this chapter, the building setback shall be increased to 80 feet for collector roads and 100 feet for arterial roads. For any building fronting onto any other public right-of-way, the minimum setbacks shall be 30 feet, whereas for any building fronting onto a public area or private right-of-way, the minimum yard shall be 15 feet.

XIV. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article VIII, Residential Multiple-Family High-Density (R-4), Section 200-34, Table of performance standards for single-family attached, two family dwellings and multifamily dwellings, is hereby AMENDED by STRIKING Subsection 200-34(C)(5) and REPLACING it with the following:

- (5) Access to roads. The provisions of § 200-57 of this chapter shall not be applicable to single-family attached subdivisions and the Board of Supervisors may approve access to roads in a single-family attached development from a private street, road or right-of-way.

XV. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XII, General Business/industrial (C-3), Subsection 200-47(A)(3)(c) is hereby AMENDED by STRIKING Notes 4 and 5 and REPLACING them with the following:

⁴ Section 200-56, Special setbacks along arterial and collector streets, shall not apply.

⁵ Section 200-54, Special setbacks, shall not apply.

XVI. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XII, General Business/industrial (C-3), Section 200-47, Supplemental Regulations, is hereby AMENDED by STRIKING Subsection 200-47(A)(5)(b)(1) and REPLACING it with the following:

- [1] Access to roads. The provisions of § 200-57 of the Zoning Code shall not be applicable to age-qualified communities and the Board of Supervisors may approve access to roads from a private street, road or right-of-way.

XVII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XIII, Mixed-Use (MU) Overlay District, Section 200-50.9, Area, dimensional and design standards, is hereby AMENDED by STRIKING Note 1 and REPLACING it with the following:

¹ The provisions of § 200-56 do not apply.

XVIII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XIV, General Regulations Applicable To All Uses, is hereby AMENDED by STRIKING Subsection 200-51(B)(1) and REPLACING it with the following:

(1) Floodplains.

(a) Floodplains shall include areas identified as Special Flood Hazard areas on the Flood Insurance Rate Maps and Flood Insurance Study, and shall include any additional areas identified by the Board of Supervisors.

(b) Resource protection ratio for floodplain shall be 100%. No structures, filling, piping, diverting or stormwater detention basins shall be permitted within the floodplain district except as provided for in Chapter 114 Floodplain Management.

XIX. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XIV, General Regulations Applicable To All Uses, is hereby AMENDED by STRIKING Sections 200-53, Floodplain definitions and general provisions, 200-54, Floodplain administration, 200-55, Identification of floodplain areas, 200-56, Floodplain technical provisions, 200-57, Floodplain prohibited activities with no variance granted, 200-58, Existing structures in identified floodplain areas, and 200-59, Floodplain variances, and REPLACING them with the following:

§ 200-53 Clear sight triangles.

- A.** Intersections. On any corner lot, no wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. A clear sight triangle of 25 feet, measured along the right-of-way lines of intersecting streets, shall be maintained, within which such structures or planting shall be limited to a height of not more than 1.5 feet above the street grade.
- B.** Driveways and private accessways. At each point where a private accessway or driveway intersects a public street or road, a clear sight triangle of 15 feet, measured from the point

of intersection of the street and the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than 1.5 feet above street level.

- C. It shall be the property owner's responsibility to maintain the sight triangle. The Township shall have the right to declare an obstructed sight triangle to be a safety hazard and to clear the same at the owner's expense should the owner fail to do so after proper notice.

§ 200-54 Special setbacks.

- A. Corner lots. A lot with frontage on two or more streets including corner lots shall have a building setback from each street not less than the required front yard. In cases of corner lots, a rear yard is required, but such yard may be any yard not facing a public street. In cases of through lots, no rear yard is required.
- B. Triangular lots. In the case of a triangular lot with no rear lot line the distance between any point on the building and the corner of the lot farthest from the front lot line shall be at least twice the minimum rear yard requirement for that district.
- C. Setbacks from resource-protected lands. On lots which include lands with resource restrictions, the minimum building setbacks shall be measured from the limit of the resource protected lands rather than from the lot lines so that the required minimum yard is free from resource restricted lands.
- D. Exception for existing alignment. If the alignment of existing buildings on either side of a lot within a distance of 50 feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the Board of Supervisors may accept the average of such existing alignment within that distance as the required front yard, but in no case shall the front yard be less than 20 feet. For lots fronting on collector or arterial roads, the front yard setback shall be increased a sufficient distance to provide an adequate driveway turnaround area so vehicles do not back out directly onto these roads.

§ 200-55 Setbacks from the Delaware Division of the Pennsylvania Canal.

A setback of 150 feet is established along both sides of the Delaware Division of the Pennsylvania Canal measured from the center line of the canal in accordance with the following standards:

- A. Nothing other than landscaping and a wood fence which may be lined with a wire mesh shall be permitted in the setback.
- B. No roads or driveways may be permitted in the setback, except where there is no other access. The road or driveway shall be designed to minimize adverse impact on the canal.
- C. The setback requirements shall terminate at the edge of River Road and shall not extend to land on the opposite side of River Road from the canal.

§ 200-56 Special setbacks along arterial and collector streets.

- A.** These setback requirements shall apply to all uses and structures on lots which abut an arterial or collector road and supersede the yard and setback requirements for the zoning districts within which the lots may lie. The special setback shall be measured from the right-of-way line of the arterial or collector streets.

Condition	Special Setback-Arterial (feet)	Special Setback-Collector (feet)
Front yard at street line of arterial or collector	100	80
Reverse frontage lot ¹	120	100
Street serving new subdivision or land development	120	80

NOTES:

¹ Swimming pools and fences may be located closer to the right-of-way line on reverse frontage lots, in accordance with § 200-70 of this chapter.

- B.** Arterial and collector roads are designated as follows and shall have the ultimate right-of-way specified in Chapter 178, Subdivision and Land Development.

Arterial Roads	Collector Roads
Heacock Road from Oxford Valley Road to Edgewood Road	Big Oak Road
Interstate 95	Black Rock Road
Morrisville-Yardley Road (including Pennsylvania Avenue)	Creamery Road
Newtown-Washington Crossing Road (Route 532)	Dolington Road
Newtown-Yardley Road (Route 332)	Edgewood Road
Oxford Valley Road (between Heacock Road and the Falls Township Line)	Ferry Road
Pine Grove Road	Heacock Road from Edgewood to Yardley-Langhorne Road
Stony Hill Road (between Falls Township Line and Route 332)	Lindenhurst Road
Township Line Road	Makefield Road

Mirror Lake Road (80 feet wide except 100 feet wide, 500 feet south of Yardley-Newtown Road)
 Mt. Eyre Road
 Oxford Valley Road (between Heacock Road and Yardley Borough)
 Quarry Road
 River Road
 Schuyler Drive
 Sutphin Road
 Taylorsville Road north of I-95
 Woodside Road
 Yardley-Langhorne Road

- C. Notwithstanding any other provision in this chapter, no structure shall be located closer than 150 feet from the right-of-way line of I-95 and Pennsylvania Route 332, along both roads for a distance of 1,000 feet from their center line intersection.
- D. Exception to setbacks within Historic District, which includes all or a portion of the following zoning districts:

H-C	Historic Commercial
C-1	Commercial Neighborhood Shopping
R-4	Residential Multiple Family High Density

- (1) Within those portions of the foregoing zoning districts which are located in the Historic District, the following setbacks shall supersede the provisions of § 200-56. The following setbacks shall be measured from the existing legal right-of-way line.

Condition	Special Setback-Arterial	Special Setback-Collector
	(feet)	(feet)
Front yard at street line of arterial or collector	20	20
Reverse frontage	N/A	N/A

Street serving new
subdivision or land
development

20

20

NOTE:

Fences or hedges may be located six inches outside the existing legal right-of-way line, provided they do not interfere with the sight triangle of any private driveway or street intersection.

§ 200-57 Access to lots.

No dwelling shall hereafter be erected unless there is a direct access to it through an open space on the same lot. Such open space shall be not less than 25 feet in width and shall extend from the dwelling to a street. Every principal building shall be built on a lot with frontage on a public street or road improved to meet the Township's standards.

§ 200-58 Flag or lane lots.

Flag or lane lots (lots which do not have the minimum lot width at the minimum required front yard setback line) shall be permitted only under the following conditions:

- A.** Flag or lane lots shall be permitted for single-family detached units only.
- B.** Minimum lot size shall be 40,000 square feet, regardless of the other minimum lot area requirements which may apply in the district in which the lot is located.
- C.** The minimum lot area shall be measured exclusive of the area of the lane or flag pole.
- D.** Only one tier of flag or lane lots per tract will be permitted. A tier shall be defined as a single row of lots behind lots which have the required frontage at the street line and lot width at the minimum front building setback line.
- E.** The lot, exclusive of the lane, must meet the required building lot dimensions for lots of 40,000 square feet as set forth in this chapter.
- F.** Each flag or lane lot shall have its own lane which shall be owned by the lot owner in fee.
- G.** The width of the lane or flag pole portion of the lot may not be less than 25 feet.
- H.** No more than two flag or lane lots shall be permitted as part of a major subdivision.
- I.** The front yard setback for a flag or lane lot shall be a distance equal to the front yard requirements for the district in which the lot is located and shall be measured from the point where the lot first obtains the minimum required lot width.

§ 200-59 Performance Standards.

- A.** Requirements for all uses. All uses and activities established after the effective date of this chapter shall comply with the following standards in this section. No use shall be permitted which is noxious or offensive to surrounding properties by reasons of odor, dust, smoke, gas, vibration, illumination or noise or which constitutes a public hazard by fire or

explosion. No use shall create any objectionable condition on any other property which would endanger public health or safety or be detrimental to the use of any other properties. All applicable standards of the Bucks County Board of Health, the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency and any other agency with jurisdiction regarding pollution or contaminants shall be adhered to by all uses in the Township. This applies to fugitive contaminants, particulate matter emissions, sulfur compound emissions, toxic materials and any other air contaminants regulated by the state and federal authorities; noise, vibration, toxic materials; discharges into watercourses or into the ground; odors; fire or explosive hazards; and storage of chemicals or fuels. The most stringent standards shall apply.

B. Noise control.

- (1) The sound level of any operation shall not exceed the decibel levels designated below with the following exceptions: the operation of motor vehicles or other transportation vehicles or other transportation facilities, emergency alarm signals or time signals. The sound pressure level shall be measured on the A-Scale with a sound level meter that conforms to the specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24.3-1944, American Standards Association, Inc., New York, New York, shall be used.)
- (2) Sound pressure levels shall be measured at the property line upon which the emission occurs and shall be limited by the use category of the adjacent affected property. The maximum permissible sound pressure levels for smooth and continuous noise shall be as follows:

Use Category	Maximum Permitted dBA Level
Residential	55
Commercial	60
Industrial	65

- (3) If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein.

Type of Operation or Character of Noise	Correction (Decibels)
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than 5% of any one hour period	+5

Noise is of periodic character or impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall exceed the basic standards given above.)

- (4) Noise from recordings, loudspeakers or public address system. No musical recordings or advertising and other activity shall be carried on which shall create noise interfering with the reasonable enjoyment of adjacent residential properties or which exceeds the decibel limits set by this subsection.

C. Smoke control.

- (1) No smoke shall be emitted from any chimney or other source visible gray greater than No. 1 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than four minutes in any 30 minute period.
- (2) These provisions, applicable to visible gray smoke, shall also apply to visible smoke of any other color with equivalent apparent capacity.

D. Control of dust and dirt, fumes, vapors and gases.

- (1) The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, animals or vegetation or other forms of property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.
- (2) No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in the stack at full load.

E. Odor control. Odorous material released from any operation or activity shall not exceed the odor threshold beyond the lot line, measured either at ground level or habitable elevation. Odor threshold is defined as the lowest concentration of odorous matter that produced an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1931-57, Standard Method for Measurement of Odor in Atmosphere (Dilution Method), or its equivalent.

F. Heat control. No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree Fahrenheit.

G. Glare. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 footcandle when measured in any residential or commercial district.

H. Vibration control. No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of placement and frequency.

- (1) When computed the following formula shall be used:

$$PV = 6.38 F \times D$$

- PV = Particle velocity, inches per second
F = Vibration frequency, cycles per second
D = Single amplitude displacement of the vibration, inches.

- (2) At any adjacent lot line, PV shall not exceed 0.10 inch per second; except, within any residential district, PV shall not exceed 0.02 inch per second. Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of 100 per minute, then the values in these values may be multiplied by two.
- (3) Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

I. Storage and waste disposal.

- (1) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except in tanks or drums of fuel directly connected to energy devices, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel.
- (2) All outdoor storage facilities for fuel, raw materials and products and all fuel, raw materials and products stored outdoors shall be enclosed by a chain link fence 10 feet high from grade level.
- (3) No materials or wastes shall be deposited on a lot in such form or manner that they may be transferred off the lot by natural causes or forces nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.
- (4) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in watertight sealed containers which are adequate to eliminate such hazards.
- (5) Plans for sewage or waste disposal shall be submitted to the Bucks County Department of Health and other appropriate governmental health agencies and shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from said agencies shall be a prerequisite to the issuance of a zoning or building permit.
- (6) No lot may be used for open dumping of trash, garbage or rubbish. No lot may be used for the storage, keeping or abandonment of junk or scrap materials or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, except as may be permitted and regulated by § 200-67 or 200-69 for specific uses.

J. Application of performance standards.

- (1) Any use established or changed to and any building, structure or land developed, constructed or used for any use or any accessory use thereto shall comply with all the performance standards herein set forth.
- (2) If any existing use or building or other structure is extended, enlarged or reconstructed the performance standards herein set forth shall apply to such

extended, enlarged or reconstructed portion or portions of such use, building or other structure.

- (3)** Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this chapter that:

 - (a)** Where determinations can be made by the Zoning Officer or other Township employees using equipment normally available to the Township or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
 - (b)** Where technical complexity or extraordinary expense makes it unreasonable for the Township to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations and protecting the general public from unnecessary costs for administration and enforcement.
 - (c)** If the Zoning Officer finds, after making determinations in the manner set forth in this chapter, that there is a violation of the performance standards set forth herein he shall take or cause to be taken lawful action to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of §§ 200-116 and 200-117.
- (4)** If, in the considered judgment of the Zoning Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed:

 - (a)** The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation, in accordance with the procedures for Enforcement Notices in § 200-87 of this chapter. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes admission of violation of the terms of this chapter.
 - (b)** If there is no reply within the time limit, but the alleged violation is corrected to the satisfaction of the Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.

- (c) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set he shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
- (d) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
- (e) If a reply is received within the time limit set requesting technical determination as provided in this chapter and if the alleged violations continue, the Zoning Officer may call on properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of § 200-116.

K. Exemptions for public utilities. This chapter shall not apply to any existing or proposed building or extension thereof used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings. A building permit shall be required before construction commences.

XX. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XIV, General Regulations Applicable To All Uses, is hereby AMENDED by STRIKING Section 200-60, Clear sight triangles and REPLACING it with the following:

§ 200-60 Floodplain use regulations.

The following uses and activities are permitted in the floodplain provided they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment and provided that within the floodway there would be no increase in the BFE elevation.

- A.** Uses permitted by right. The following uses and activities are permitted in the floodplain provided they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment and provided that within the floodway there would be no increase in the BFE elevation.

- (1) Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, forestry, sod farming and wild crop harvesting.
- (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, bicycling and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, tennis courts, and hunting and fishing areas.
- (3) Yard areas for residential and nonresidential uses, with the exception of the minimum lot area requirements.
- (4) Temporary uses such as circuses, carnivals, and similar activities.

B. Uses permitted by special exception. The following uses and activities are permitted in the floodplain by special exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that all applicable floodplain requirements are met:

- (1) Utilities, public facilities and improvements such as streets, bridges, transmission lines and pipe lines.
- (2) Water-related uses and activities.
- (3) Storage of materials and equipment provided they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, and provided such material and equipment is firmly anchored to prevent flotation or movement. Storage of materials and equipment listed in Subsection H(1) hereof shall be prohibited in the floodplain.
- (4) Parking areas.

XXI. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XIV, General Regulations Applicable To All Uses, is hereby AMENDED by STRIKING Sections 200-61, Special setbacks, 200-62, Setbacks from the Delaware Division of the Pennsylvania Canal, 200-63, Special setbacks along arterial and collector streets, 200-64, Access to lots, 200-65, Flag or lane lots, and 200-66, Performance standards.

XXII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XV, Use Regulations, Section 200-69, Accessory uses and accessory structures, is hereby AMENDED by STRIKING Subsection 200-69(A)(4)(c)(7)(a) and REPLACING it with the following:

- [a] Outdoor concerts or amplified sounds which exceed or would exceed the decibel (dBA) limits for residential districts as set forth in § 200-59B of this chapter.

XXIII. Chapter 200, Zoning, of the Code of the Township of Lower Makefield, Article XV, Use Regulations, Section 200-69, Accessory uses and accessory structures, is hereby AMENDED by STRIKING Subsection 200-69(A)(12) and REPLACING it with the following:

- (12) Nonresidential accessory building, structure or fence. Accessory building, structure or uses customarily incidental to the uses permitted in HC, C-1, C-2, C-3 and O-R Districts are permitted in connection with such uses, except outside storage, which is subject to the regulation in Subsection A(13), Outside storage. Fences on lots used for nonresidential purposes. Fences and walls may be erected in the front, rear or side yard or in a special setback required by § 200-56, subject to the following provisions and with the exception that no fence or walls shall be located within any public right-of-way, easement, buffer easement or required sight triangle. The maximum permitted height of any fence shall be eight feet.

XXIV. Partial Repealer

All other provisions of the Lower Makefield Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Township's Code of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

XXV. Severability

The provisions of this ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

XXVI. Effective Date

All provisions of this ordinance shall be in full force and effect five (5) days after the approval and adoption.

ENACTED AND ORDAINED this ____ day of _____, 2025.

[signatures on the following page]

ATTEST:

**LOWER MAKEFIELD TOWNSHIP
BOARD OF SUPERVISORS**

David W. Kratzer Jr., Township Manager

Daniel R. Grenier, Chair

John B. Lewis, Vice Chair

Matt Ross, Treasurer

James McCartney, Secretary

Suzanne S. Blundi, Supervisor